

IN THE HIGH COURT OF SINDH,
Bench at Sukkur

C. P. No. D – 1953 of 2018

(Gulshan Ali V/S P.O. Sindh & Others)

Hearing of Case

1. For orders on office objection
2. For hearing of Main Case.

Before:

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **22-02-2022**
Date of Decision: **22-02-2022**

Mr. Qurban Ali Kalwar, Advocate for the Petitioner.
Mr. Mehboob Ali Wassan, Assistant A.G.

ORDER

Muhammad Junaid Ghaffar, J. – Through this Constitutional Petition, the Petitioner has prayed for the following relief(s):

“i) That this Hon’ble Court may be pleased to direct the respondents to release the salary of petitioner for the period from November, 2017 to March, 2018, and from the month of September, 2018 to date.

ii). To direct the respondents to allow the petitioner to continue as Head Master Govt. Boys Primary School Shah Murad Jagirani taluka Kotdiji”.

2. Notices were ordered and comments have been filed, wherein it is stated that the Petitioner continuously remained absent without prior intimation or grant of leave, whereas he was also issued a show-cause notice in this regard. It is further stated that he has remained absent for a total period of 789-days starting from 01.09.2018 to 29.10.2020.

3. While confronted, Counsel for the Petitioner has denied this stance of the Respondents. However, he has not been able to satisfactorily respond to this very specific allegation of petitioner’s absence without leave. We in our constitutional jurisdiction cannot decide this factual aspect of the matter, whereas if the Petitioner has remained on duty then

he was supposed to place on record some convincing material including rejoinder affidavit to contradict the stance of the respondents. Nothing has been place on record; therefore, we cannot go into this factual dispute.

4. Even otherwise, the Hon'ble Supreme Court has time and again deprecated the grant of any indulgence to the employees who remained absent from duties without prior leave or permission and reference in this regard may be made to the cases reported as Deputy Inspector General of Police v Sarfraz Ahmed [2022 PLC (CS) 278], Secretary Elementary & Secondary Education v Noor ul Amin [2022 PLC (CS) 132]; National Bank of Pakistan v Zahoor Ahmed Mengal (2021 SCMR 144) and Federation of Pakistan v Mamoon Ahmed Malik (2020 SCMR 1154). Accordingly, this Petition being misconceived is hereby dismissed.

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